

ought

ROMAN CATHOLIC PRIESTS

TO BE APPOINTED

CHAPLAINS IN PRISONS ?

IN considering the question, whether Roman Catholic Priests ought to be appointed chaplains to our prisons, it is earnestly hoped that local Magistrates and others will attentively peruse the following authentic extracts. They will illustrate the following propositions :—

- I. *That the doctrines of the Church of Rome in regard to, say, theft, are such that Magistrates must condemn, but which Priests must teach.*
- II. *That such Priests often become concealers of crime, and thereby abettors.*
- III. *That such Priests, if appointed, are not the servants, like any other Chaplain or Official, of the local Magistrates, but of their own Bishop.*
- IV. *That the general tendency of the teaching of the Church of Rome is not to lessen crime, but to increase it. In this, it differs widely from Protestantism. If a professor of the latter becomes a criminal, he does so in violation of his principles. Not so the Roman Catholic. This is illustrated by the large proportion of criminals in our prisons, who are Roman Catholics, and by the statistics of crime in Roman Catholic countries.*

I. *That the doctrines of the Church of Rome in regard to theft are such that Magistrates must condemn, but which Priests must teach.*

- 1.—Extract from *What Every Christian must Know and Do*, written for the common people of England, and sold for one half-penny. London, Duffy.

“It is a *venial sin* to steal a little. It is a mortal sin to steal much. For example, to steal from a workman a day’s wages, or to steal less from a poorer man, or more from a richer man, or from parents.”—P. 26.

- 2.—Extracts from Liguori’s *Moral Theology*, a Maynooth text-book:—

“Qui alienum accipit joco, vel ob bonum, aut commodum illius a quo accipit, non furatur: v. gr. si uxor auferat a marito pecunias, ne ludis, aut commensationibus eas prodigat; aut vinum, ne inebrietur; aut librum hæreticum, ne eum legat; aut famulus det eleemosynam non nimis magnam valde indigenti, de qua dominus rationabiliter non sit invitus, a quo tamen ob verecundiam vel aliam causam non audeat petere.—*V. Less. l. 2. c. 12.*”—(p. 236. t. 3. n. 519. lib. iv.)

“He who receives the property of another in joke, or for a good purpose, or the convenience of him from whom he receives, does not steal: for example, if a wife should take money from her husband lest he should waste it in games, or companies; or wine, lest he should get drunk; or an heretical book lest he should read it. Or if a servant should give alms in a small quantity to one who is in great want, concerning which the master may not be reasonably unwilling, from whom, however, on account of bashfulness, or some other cause, he dare not ask it.”

Here Liguori teaches that a wife, for a good purpose, may deprive her husband of his property; for example, if he have an heretical book, she may make away with it, and in so doing she does not steal at all.

Likewise a servant, who for some cause is afraid to ask permission of his master to give his property in charity, may do it without his permission, if reasonably he be not unwilling. It is then for the servant himself to judge whether the master’s unwillingness be reasonable or not. On similar principles we may deduce that as it is lawful for a wife to steal (for we will call it stealing) an heretical book from her husband, for a good purpose: a servant may do likewise.

“Sed quid, si aliquem virum honoratum valde puderet mendicare, vel laborare, an potest ex alienis sibi providere? Negant Salmant. n. 39. cum Soto et Prado, dicentes, hanc potius judicari necessitatem gravem, quam extremam, cum bona temporalia tantum ordinentur ad vitam, non ad honorem servandum. Affir-

“What, if it would exceedingly grieve a very honourable man to beg or to labour, whether can he provide for himself out of another’s property? Salmant. n. 39. with Soto and Prado, deny it, saying, that this should rather be judged a great necessity than an extreme one, since temporal goods are only ordained for the pre-

mant vero *Viva l. c. n. 3 Ronc. l. c. Mazzot. t. 2. p. 375, ac Less. Pal. et Dicast. apud Croix l. 3. p. 1. n. 952. item Bann. et Serra apud Salm.* Hocque probabilius mihi videtur, si pudor mendicandi esset tantus, ut potius ille mortem subire vellet, quam mendicare.”—(p. 238. t. 3. n. 520. ib.)

“Nec item furatur, qui accipit in compensationem justam, si aliter sibi debitum accipere nequeat; v. gr. si famulus justum stipendium non possit aliter obtinere, vel inique inductus sit ad serviendum iniquo pretio. *Vide Laym. l. c. et Tolet. l. 3. c. 15.*”

Such are the opinions of Liguori on this subject. He teaches that a servant, if he believe that he is not paid sufficiently, or if (compelled by poverty) he has made a bargain with his master for a certain stipend, which is less than he ought to receive, may compensate himself out of his master's property, if by going to law he would incur displeasure, loss, &c.

The condemnation of a proposition by Innocent XI. seems to be opposed to this, but our author easily reconciles it to his own view as follows:—

“Nota hic propos. 37. Innoc. XI. quæ dicebat: *Famuli ac famulae domesticæ possunt occulte heris suis surripere ad compensandam operam suam, quam majorem judicant salario quod recipiunt.* *Sal. de 4. præc. n. 130, cum aliis, loquentes de hac propos. damn. dicunt 1, quod, si famulus sine necessitate libere conveniat cum domino de stipendio inferiori, postea nihil possit sibi compensare; secus, si ex necessitate, ad levandam nimirum suam miseriam, conveniat de salario notabiliter minori justo. Ratio, quia decreta pontificia non intendunt obligare famulum contra justitiam.*”—(p. 245. t. 3. n. 522. ibid.)

serving of life, not of honour. But *Viva l. c. n. 3. Ronc. l. c. Mazzot t. 2. p. 375. ac Less. Pal. et Dicast. apud Croix, l. 3. p. 1. n. 952. also Bann. et Serra apud Salm.* answer in the affirmative. AND THIS APPEARS TO ME MORE PROBABLE, IF HIS SHAME OF BEGGING BE SO GREAT, THAT HE WOULD PREFER DEATH ITSELF TO BEGGING.”

“Neither does he commit theft, who receives a thing as a just compensation, if otherwise he cannot receive what is due to him; for example, if a servant be unable otherwise to obtain a just stipend, or be unfairly induced to engage in servitude for an unjust price.”

“Note here the thirty-seventh proposition of Innocent XI. which said: ‘Domestic servant men and women can steal from their own masters for the purpose of compensating themselves for their own labour, which they judge to be greater than the salary they receive.’ *Salm. de 4. præc. n. 130.* with others, speaking concerning this condemned proposition, say, 1. that if a servant without necessity, and of his own accord, make an agreement with his master for an inferior salary, he cannot afterwards compensate himself; OTHERWISE, if from necessity, for the purpose doubtless of alleviating his own misery, he agrees upon a salary notably less than just. *The reason is, because the pontifical decrees are not designed to lay servants under an unjust obligation.*”

Here, then, we are absolutely taught that a servant who is compelled from poverty to make an agreement with his master for an inadequate remuneration, may compensate himself. This principle Liguori establishes by various authorities and arguments. He proceeds:—

“Dicunt 2, Salmanticenses quod, si famulus ex electione propria augeat

“The Salmanticenses say, in the second place, that if a servant, of his

operas debitas, nihil possit surripere; quia tunc censetur operam suam condonare ad conciliandam sibi domini gratiam: secus autem, si ex voluntate domini expressa, vel tacita; quia tunc servanda est regula illa, nempe, quod quisvis operarius dignus sit mercede sua.

own choice, increase his labour he cannot steal (*surripere*) anything; because, then he is considered to give freely his own labour, for the sake of conciliating the favour of his master. BUT OTHERWISE, if he do so from the expressed or tacit will of his master; because then the rule is to be observed, that the labourer is worthy of his hire."

The question then arises, who is to be the judge of the amount to which the servant may compensate himself? Some, whose names are given, think that the learned, the judicious, the *confessor*, should direct the domestic as to the amount of property of which he may take the liberty of possessing himself. However, Liguori thinks that *he himself* may be the judge.

"Attamen *Salm. de 4. præc. num. 137*, dicunt famulum posse etiam ex proprio judicio sibi compensare suam operam, si ipse certe judicet se majus stipendium mereri. Quod sane videtur satis probabile mihi et aliis doctis recentioribus, si hic famulus, vel quicumque alius mercenarius sit vir prudens timoratus, et vere aptus ad recte judicandum ac certus sit de justitia compensationis, remoto omni hallucinationis periculo."—(p. 246. t. 3. n. 524. *ibid.*)

"But the Salamanticenses, *de 4. præc. num. 137*, say that a servant can, according to his own judgment, compensate himself for his labour, if he without doubt judge that he was deserving of a larger stipend. Which indeed appears sufficiently probable to me, and to other more modern learned men, if the servant, or any other hired person, be prudent, and capable of forming a correct judgment, and be certain concerning the justice of the compensation, all danger of mistake being removed."

He teaches also that Christian captives, for the purpose of compensating themselves for the injuries they may have sustained, may steal the property of those by whom they are enthralled. I maintain that such principles are fearful in their character, and calculated to lead to the most evil consequences. SERVANTS, IF THEY THINK THAT THEY ARE NOT ADEQUATELY PAID, MAY STEAL THE PROPERTY OF THEIR MASTERS TO REMUNERATE THEMSELVES!!!

Liguori, in *Dubium II.*, considers what may be the quantity of stolen property necessary to constitute mortal sin; he says:—

"*Variae ea de re sunt sententiæ. Nav. nimis scrupulose statuit medium regalem, alii nimis laxe 10 aureos; moderatius Tol. Med. Less. etc. duos regales, etsi minussufficiat, si notabiliter doceat.*

"*Resp. Ea non mathematice, sed moraliter metienda est, non tantum ex valore rei ablatae, sed etiam ex circumstantiis personæ cui aufertur; si nimirum ei grave damnum inferatur, aut saltem caritas christiana graviter lædatur, quomodo respectu valde divitis, imo etiam regis, unus vel alter aureus notabile quid vide-*

"There are various opinions concerning this matter. *Nav.* too scrupulously has fixed the half of *regalem*, others with too great laxity have fixed ten *aureos*, *Tol. Med. Less. &c.*, moderately have fixed two *regales*, although less might suffice, if it would be a serious loss.

"These things are not to be measured mathematically, but morally, not only according to the value of the thing stolen, but also according to the circumstances of the person from whom it is stolen: to wit, if he would suffer great loss or Christian

tur : respectu vero mediocriter divitum, quatuor circiter regales, sive medius imperialis: respectu mechanicorum duo; respectu pauperis unus. Ita nunc plerique *cum Bonac.*—(p. 248. t. 3. n. 526, *ibid.*)

charity be grievously violated, wherefore, in respect of a very rich man, or even of a king, one or two *aurei* appears something notable; but in the case of a man of moderate wealth, about four *regales*, or the half of an imperial;—in the case of a mechanic, two; in the case of a poor man, one."

ACCORDING TO THIS THEOLOGY, IT IS NOT A GREAT CRIME OR A MORTAL SIN TO STEAL A COMPARATIVELY LARGE SUM FROM A WEALTHY MAN!—Quoted from *St. Alphonsus Liguori*, by Dr. Blakeney. Reformation Society, London, 1852.

3.—Extract from *Compendium Theologicæ Moralis*, by Gury, (Conference Book of Romish Bishops and Priests in Ireland), which inculcates the same principles as the above:—

Quæsitæ :

606—Quær. 1.—*Quæenam materia censeatur gravis in furto ?*

Resp. 1.—Non potest rigorose determinari. Juxta sententiam communem, quæ omnino tenenda videtur, materia hæc spectanda non est *absolute in se*, sed *relative* ad varias hominum conditiones et necessitates, ita ut gravior materia requirenda sit ad grave peccatum in furto erga divitem quam erga pauperem. Ratio est, quia gravitas furti, sicut gravitas cuiuslibet injuriæ, pendet præsertim a majori vel minori privatione, dolore et reluctantia voluntatis, quam patitur ille in quem furtum patrat. Jamvero nemo non videt eandem materiam nunc levem, nunc gravem causare contristationem, prout dominus, a quo aufertur, dives est vel pauper. Attendendum tamen est ad reluctantiam voluntatis, ut inter homines *communitè* et *rationabiliter* habetur, non vero respectu ad homines majores vel minores amore pecuniæ allectos.

607—Resp. 2.—Ad gravem vero materiam relative spectatam (attentis præcipuis Europæ locis et temporum nostrorum adjunctis) requiri videntur: (1) Circiter valor unius franci seu 20 asses relate ad pauperes, et non raro minus pro

Questions :

606—Q. 1.—How much is to be judged mortal (*gravis*) in theft ?

Resp. 1.—This cannot be rigorously determined. Even as the common opinion, which is considered altogether binding, regards the material not *absolutely* by itself, but *relatively* to the varying conditions and necessities of men; so that more should be required to constitute a grave sin in stealing from the rich than from the poor. The reason is, because the gravity of the theft, just as the gravity of certain kinds of injury, depends chiefly on the greater or lesser privation, trouble, and reluctance of will which he suffers against whom the theft is committed. Now there is no one who does not see that the same theft may cause little or great grief (*contristationem*) just as the owner, from whom it is taken, is rich or poor. Attention is, however, to be paid to the reluctance of the will, which exists commonly and reasonably amongst men, not indeed with respect to men with greater or lesser love for hoarded money.

607—Resp. 2.—The gravity of the material is relatively measured (as in the principal countries of Europe, and those adjoining of our time), and requires to be considered: (1) About one franc or 20 farthings relatively to the poor, and not much less

majori gradu necessitatis. (2) Circiter duo vel tres franci, seu 40 vel 60 asses relate ad operarios, qui labore diurno victum sibi comparant. (3) Circiter quatuor vel quinque franci relate ad homines mediocriter divites. (4) Circiter sex vel septem franci relate ad divites ordinarios. (5) Tandem a peccato gravi numquam erit excusandus, qui 10 vel 12 francos subripuerit apud ditissimos, etiam principes. *Ita communiter.* Juxta plures 20 franci requiruntur.

Advertas autem oportet, hos modo praefixos limites moraliter omnino sumendos esse, si ultimam excipias decisionem seu quantitatem, quae numquam absque peccato gravi excedi potest. In praxi, occurrentibus dubiis, non est generatim reputanda materia gravis ea, quae quinque circiter francos non attingit. Si antiqui auctores paulo severiores tibi appareant hac in re, in mentem revocare velis, pecuniam tunc temporis, utpote rariorem, fuisse pretiosior.

608—*Quaer.* 2.—*Quaenam materia requiratur, ut furta uxorum, filiorum et famulorum gravia evadant?*

Resp. 1.—Certum est apud omnes, ex parte uxoris et filiorum plus requiri ad gravem materiam constituendam, quam ex parte extraneorum, quia paterfamilias est minus invitus aut saltem minus rationabiliter invitus in priori casu, quam in posteriori. *S. Lig., Hom., apost. tr.* 10. n. 32.—Dicunt, *probabilius* requiri summam duplo majorem pro iis, quam pro extraneis; sed nulla regula generalis assignari potest; hoc enim a variis personarum vel conditionum circumstantiis plerumque pendet.

Resp. 2.—Pro famulis pendet etiam a majore liberalitate vel tenacitate dominorum, ex qualitate vel situ rei surreptae, v. g. si sit comestibilis vel non, custodita vel aperta, etc. Juxta multos per furta minuta facta a famulis in cibis et esculentis, quae non solent caute servari, generatim non devenitur ad mortale,

for one in great necessity. (2) About 2 or 3 francs, or 40 or 60 farthings relatively to workmen, whose day's labour can only gain them sustenance. (3) About 4 or 5 francs relatively to men moderately rich. (4) About 6 or 7 francs relatively to ordinarily rich men. (5) As much as 10 or 12 francs stolen from the richest, even from princes, would not excuse from grave sin. *Such is commonly taught.* Some require as many even as 20 francs.

But it is necessary to take these foregoing limits in a general way morally (*moraliter*), if you are to arrive at an ultimate decision or amount, which can never be exceeded without grave sin. In practice, with doubtful points, that theft is not generally reckoned grave which does not reach about five francs. If ancient authors appear a little severe to you in this matter, *you can mentally revoke their decision, since the money of their time, being scarcer, had more value.*

608—Q. 2.—How much material is required to make the theft by wives, children, and servants avoid gravity?

Resp. 1.—It is certain among all that more is required to constitute a grave theft on the part of a wife or children than on the part of strangers, because a father is less unwilling or less reasonably unwilling in the first case than in the last. So *St. Liguori*.—Some say that double the sum is probably required for them than for strangers, but no general rule can be assigned: this, indeed, depending on many varying circumstances of persons and things.

Resp. 2.—As for servants, it depends also on the greater liberality or penuriousness of the owner, or the quality or situation of the thing stolen, e. g., if it be an eatable or not, if under custody or lying open, &c. Even many persons who do not act cautiously in families commit minor thefts in eatables and

modo haec non vendantur aut e domo non educantur nec sint pretii extraordinarii. Si autem famuli furentur pecuniam aut res sedulo custoditas, non requiritur quantitas major ad peccatum grave, quia domini non sunt minus inviti. Imo hujusmodi furta severius lege civili puniuntur ob fiducia defectum, qui in illis intervenit.—*S. Lig., Hom. ap. tr. 10. n. 34.*

610—*Quaer. 4.—An minuta furta adhuc coalescant, si inter ipsa magnum ponatur intervallum?*

Resp.—*Negative*—quia tunc praemeditata furta non amplius constituunt unum atque idem objectum in genere moris.—*Ita communiter.*—*Billuart, Art. 4.*

Quaer. 5.—Quandonam vero intervallum censeatur magnum?

Resp.—*Probabilius* tenendum est, furta non amplius coalescere ultra spatium duorum mensium, etiamsi materia quasi ad gravem accederet.—*S. Lig. ibid.*

Aliqui tamen intervallum anni unius requirunt, ut furtula coalescere desinant; alii vero contendunt sufficere, si mensis unus intercedat, aut etiam tempus brevius, si agatur de furtulis valde minutis. Sed priores in rigorem, et posteriores in laxitatem propendere videntur.

611—*Quaer. 6.—Quandonam evadat materia gravis ex furtis minutis?*

Resp. 1.—Si furta minuta eidem fiant diversis vicibus, vel si fiant una vice diversis personis, materia erit gravis, quando dimidia parte excedet summam ad furtum grave communiter requisitam.—*Ita communiter.*

Resp. 2.—Si furta minuta fiant tum diversis vicibus, tum diversis personis, materia gravis *per se* censebitur, cum erit duplo major quam summa ad furtum grave communiter requisita.—*S. Lig. ibid. et alii multi.*

Sartores et ipsorum famuli lethaliter peccant contra justitiam ubi materiam gravem attingunt retinendo sibi aut vendendo panni

other foods, which are not generally considered mortal sin, because they are not sold nor eaten out of the house, nor have any great value. If money or anything in strict custody is stolen, a greater quantity is not required to make it a great sin, because the owners are not a little unwilling to lose them, and such thefts are severely punished by the civil law, on account of breach of faith.

610—Q. 4.—Would little thefts joined together condemn, if a considerable time intervened?

Resp.—No, because then premeditated thefts do not fully make one and the same object with a settled determination.—*So Billuart, Art. 4.*

Q. 5.—What then may be considered a sufficiently intervening time?

Resp.—It is held that probably the thefts must not be nearer each other than two months, otherwise the theft becomes mortal.

Some think that a year must intervene between little thefts; but others contend that it suffices if one month intervene, or even a shorter time if the thefts be very small. But early doctors seem to consider the matter rigorously, later doctors laxly.

Q. 6.—When may a grave sin arise out of a little theft?

Resp. 1.—If little thefts make great changes, or if they cause a change to many persons, then the sin is grave, though the amount must exceed by one half to make the sum commonly required for a mortal theft.

Resp. 2.—If little thefts make not only many changes, but affect many persons, the sin is considered weighty of itself, although the sum should have to be doubled to make commonly a mortal theft.—*So Liguori.*

Tailors and other such servants sin mortally against justice when they retain much material to themselves, or sell the useful remaining

fragmenta dominis adhuc utilia, quae supersunt. Excipi: si alicubi vigeat consuetudo ut minus solvatur et fragmenta sartoribus remaneant, aut si constet dominos opulentos non velle fragmenta sibi restitui, vel de illis parum curare.—*S. Lig., passim.*

fragments left over of its possessor; with this exception, if it be the custom in any place to cut off a little and to keep the fragments which remain, or if he agrees, or the rich possessors do not wish the fragments to be restored, or care little for them.—*St. Liguori.*

It is very apparent that such doctrines thoroughly undermine social morality and order. Yet the Romish priests must inculcate such teaching to prisoners, if appointed chaplains to our jails.

II. *That such Priests often become concealers of crime, and thereby abettors.*

1.—The following extract from a recent work, *Realities of Irish Life*, by J. S. Trench (Longman, Green, and Co., London, 1868, pp. 271—3) illustrates—

1.—That a prisoner puts himself wholly in the power of his Priest, and will rather sacrifice life itself than reveal what may promote the ends of justice, and the welfare of the country.

2.—That the Priest by receiving and concealing such revelations may be justly held to abet crime.

The prisoner (Hodgens) had been condemned to death for conspiracy to murder, through his accomplice (Thornton) who had become “an informer.” Mr. Trench had learned that the prisoner was a ringleader of the Ribbon Conspiracy, and was possessed of very important information. This led Mr. Trench to obtain from the Lord Lieutenant a promise of saving the prisoner’s life, on condition that he would reveal all he knew about the Ribbon conspiracy. Mr. Trench on leaving the Lord Lieutenant, goes on to say,—

“My first step was to proceed to Carrickmacross, and there to unfold to my confidential clerk all that had passed between his Excellency and me; and thinking that Hodgens would speak more freely to him than to myself, I directed him to proceed at once to Monaghan, to get access through proper credentials to the cell of Hodgens, and there explain to him, that if he would really tell all he knew about the Ribbon conspiracy, and those concerned in it, so as to enable the Government practically to get at his accomplices, his life would surely be spared. But if he declined this offer, he was a dead man, and that he had not the remotest chance of pardon.

“My clerk executed his commission with all the delicacy I had expected. He found Hodgens calm and firm; little or no change had apparently taken place in him since his conviction and sentence. He had braced his nerves to the worst, and he was prepared to abide the consequences of his crime,

"By degrees my clerk began to unfold to him the real nature of his mission. For a time Hodgens was wholly unmoved, as if he thought it was only a plot to get something out of him which he was determined not to give.

" 'Are you aware,' said the clerk at last, 'that Mr. Trench has your pardon in his pocket, and that he has only to *say the word and your life is spared?*'

"Hodgens leaped up from his seat as he heard these words.

" 'Is it lies you're telling me?' he exclaimed; 'why do you come here with lies to me at such a time as this?'

" 'It's *not* lies,' replied the clerk; 'I'm telling you the real truth. Mr. Trench went up himself to the Lord-Lieutenant, and got a promise of pardon for you, if you would only tell all you know about the Ribbon conspiracy, and those who are concerned in it.'

" 'And what makes Mr. Trench think I know anything at all about it?' asked Hodgens.

" 'He knows it right well,' answered the clerk. 'He has got everything out of Thornton, and he knows that you, and you only, can give the information he now requires.'

"A shade passed over Hodgens' countenance as the name of Thornton was mentioned, but it was only momentary.

" 'I always said I would die hard; but it's a terrible temptation to a man; and sure, after all, it's no great harm to tell on all them that brought me to this end. But how am I certain that Mr. Trench can save my life even if I do peach?' he exclaimed, as if suddenly recollecting himself.

" 'He will tell you so himself,' said the clerk. 'He is now in Monaghan, and has the promise of your pardon from the Lord-Lieutenant in his hand. You know him well, and though you tried to take his life often enough, you know he would not deceive you.'

" 'I'm sure of it,' observed Hodgens thoughtfully, 'I know he would not; but it's a terrible disgrace to a man to go and do what Thornton done—I'd a'most as soon die hard.'

" 'It's a terrible thing to be hanged!'—remarked the clerk.

" 'That's true, too,' replied Hodgens; and the clerk saw the whole of his powerful frame beginning gradually to shake and tremble with agitation, and large drops of perspiration to stand out distinctly upon his forehead.

" 'Well, maybe I might as well tell it all out. Come to me to-morrow morning, and you shall have all I know; but Mr. Trench must come himself, as I will not trust anyone else. I must have it from his own lips that my life will be surely spared.'

" 'You shall have it from himself,' replied the clerk; 'but why not to-night? he is waiting now to see you; let me call him now, and tell him all you have to say.'

Again a dreadful tremor seemed to shake the whole of the young man's frame.

" 'Not to-night' said he—'not to-night; I am to see the priest in the morning, and I will tell nothing to anyone till I see him.'

" 'Tell Mr. Trench all about it *now*,' entreated the clerk; let me call him this minute, maybe it will be your last chance.'

" 'I can't, and I won't,' said Hodgens doggedly; 'I must see my clargy first, and there's no use in pressing me any more.'

"His agitation had now increased to the most painful degree—his voice trembled and his knees shook under him. He rose and walked rapidly up and down his small cell, as if to throw off his agitation, and at length he finally addressed the clerk.

" 'It's no use your waiting or pressing me any more. Come to me to-

morrow morning, and bring Mr. Trench with you; but I won't see him or tell a word of anything until I see my clargy first.'

"The clerk unwillingly retired; he saw further pressing was useless, and he came and told me all that had passed.

" 'You could do no more,' I said. 'We must await the result of his interview with the priest. I trust he will induce him to tell us all he knows.'

"The clerk shook his head doubtingly, but made no reply.

"At ten o'clock next morning, my clerk obtained access to the condemned cell of the criminal. The first glance at the prisoner showed that a great change had taken place since the interview of the preceding day. All traces of doubt, uncertainty, and agitation had completely vanished, and Hodgens stood before him calm and unmoved, with a quiet placidity of manner and countenance, as if all anxiety about his fate was gone. He could scarcely recognise, in the placid features of the man now before him, the shattered and agitated frame he had left the evening before, and he saw with a glance that Hodgens had made up his mind, and was at peace with himself.

" 'Well,' said the clerk, disguising his fears as well as he could, 'may I send for Mr. Trench, and will you tell him all you know about what we were talking of yesterday?'

" 'I will tell *nothing*,' returned Hodgens calmly, and with a composed and resigned countenance. 'I will tell nothing, neither to Mr. Trench, nor to anyone else. I have seen my priest, and I'm now prepared to die, and maybe I would never be as well prepared again. So I am content to die, and there is no use in asking me any more. I will tell *nothing*, except to them that has a right to know it, and who should that be but the priest. So now let me alone, for you'll never get another word out of me; *I am content to die for my country*.'

"He calmly sat down, and remained in perfect silence, until the clerk, who had addressed him several times without effect, was compelled to leave the cell.

"What passed between the prisoner and the priest I know not, but Hodgens adhered to his determination, and his secret died with him."

2.—Communication from Wm. Kidston, Esq., J.P., Glasgow, to the Secretary of State, dated 17th December, 1862:—

"To the Right Honourable H.M. Secretary of State,
Home Department, Whitehall, London.

"County Buildings, Glasgow, 17th December, 1862.

"SIR,—I have had the honour to receive Mr. Waddington's letter, dated 15th December, which enclosed the letter addressed to you by the Right Rev. Dr. Murdoch, Roman Catholic Bishop of the Western District of Scotland, regarding the Reverend Patriek M'Laughlin, who was, on 11th December instant, committed by me, for contempt of Court, to the gaol of Glasgow for thirty days.

"I have the honour to send you a copy of the warrant under which he was committed and is detained, and I hope you will excuse me in sending a copy of the *North British Daily Mail* newspaper, published in Glasgow on the 9th and 12th instant, in which a fair report is given of the proceedings, which took place at the two petty sessions on 8th and 11th instant, under the complaint by the public prosecutor against one Terence M'Ghee, accusing the latter of theft. Mr. M'Laughlin was adduced as a necessary

witness for the prosecution. He maintained that, as a priest, he had certain privileges, which made it incompetent to summon or to examine him as a witness against M'Ghee.

"I ruled that it was competent to summon him, and that he must submit to be examined as a witness.

"When under examination upon oath, he admitted that he wrote a certain anonymous letter, enclosed it and a one pound note in an envelope, addressed that envelope to Terence Ferguson, and sealed the envelope, and that he did not post the letter and its contents. He declined to answer the question put to him—'To whom did you deliver that letter to be posted?' He also declined to answer the question put to him—'Did you deliver that letter to Terence M'Ghee, the accused, for the purpose of being by him posted?' He persisted in declining to answer those questions. I allowed him three days, that he might consult either a lawyer or his ecclesiastical superior upon the propriety of answering them, and I adjourned the Court.

"At the adjourned Court, on the 11th instant, Mr. M'Laughlin persisted in refusing to answer those questions; and after I cautioned him, and endeavoured to convince him that he was bound to answer them, he persisted in refusing, and I committed him to prison for contempt.

"The trial of M'Ghee proceeded; and for want of evidence, which Mr. M'Laughlin evidently could have supplied, the charge against M'Ghee was found not proved.

"The complaint against M'Ghee was instituted at the request of the Post-office authorities in Dublin, through the Postmaster at Glasgow, for the purpose of discovering and punishing the person who had abstracted two half-sovereigns, which were enclosed in a letter addressed by an Irish labourer here, named Ferguson, to his father in Ireland. I understood that upon its result depended the question whether the Postmaster of Tollcross—a village situated about four miles from Glasgow, in which the letter was posted—should be dismissed.

"Under these circumstances, it appeared to me, that were I to yield the plea of privilege so strongly maintained by Mr. M'Laughlin, the precedent would be most dangerous. I was advised by Mr. Crawford, the Clerk of the Peace and Assessor of Court, that Mr. M'Laughlin had not the privilege he claimed, and was bound to answer; and the Assessor still informs me that there is no doubt upon the point.

"While I felt determined to enforce the law, I was anxious to be moderate in the punishment; but Mr. M'Laughlin, to the last, stood upon his supposed privilege, and he has not yet yielded, and has not applied for any remission or mitigation of the punishment. Under these circumstances, I respectfully submit that the period of imprisonment should not be interfered with, until Mr. M'Laughlin shall have done something to show that he is convinced of his error. This period was deliberately fixed after calm consideration.

"Should he express regret, or, under any application by himself for mitigation, show that he is convinced he has not the privilege he claimed, he might and should be immediately set at liberty.

"Should he be liberated without this, and the prison door be thrown open, on a mere statement by the Bishop that Mr. M'Laughlin is an exemplary clergyman, and acted from a conscientious motive, the general feeling would be that you disapproved my conduct in the matter. Very great evils would follow, and the course of justice would be seriously impeded in this district by this practical reversal of the sentence.

"Dr. Murdoch states in his letter that M'Ghee, 'either struck with remorse of conscience or *fearing detection*, went to the Reverend Patrick

M'Laughlin, *disclosed* to him—not in the Confessional—*his crime*, and begged to be advised by him as to how he should act.'

"Mr. M'Laughlin must have given *this* information to Dr. Murdoch. I hope I may, without impropriety, inquire why his conscience permitted him to disclose this secret to Dr. Murdoch, and did not permit him, when upon oath before the Magistrate, to state the facts? Or why it allowed him to plead conscience, to enable him to conceal the truth and save the criminal?"

"I submit that this is not a case of conscience. It appears to me to be an attempt to place the priesthood above the law. To arrogate a privilege to encourage criminals to flee to them for advice and protection, and to exclude all inquiry by the Courts of the country. To hold themselves out to their flocks as superior to the law, and as armed with full powers to protect them from its punishment.

"Remission or mitigation by the Crown, without an expression of regret from Mr. M'Laughlin, would be the means of widely disseminating, through these realms, the authoritative recognition by the Crown of this most dangerous assumption.

"As some evidence of the effect of Mr. M'Laughlin's concealment of the truth, I hope you will excuse me forwarding copy of a letter addressed to Mr. Douglas, Procurator-Fiscal, by the Postmaster of Glasgow, in consequence of the failure to prove the charge of theft against M'Ghee, requesting Mr. Douglas to state whether any suspicion in regard to the case rests with the department of the Post-office, and if so, with what branch. I have the honour to be, Sir, your most obedient humble servant,

"WILLIAM KIDSTON."

3.—THE DURHAM CASE.

Extracted from the *Times*, Wednesday, March 7, 1860.

"Northern Circuit, March 6th, 1860.—Before Mr. Justice HILL.

"William Kay was indicted for Highway Robbery.

"In the course of this case the Rev. John Kelly, a Roman Catholic priest, who gave a watch, part of the stolen property, to a policeman the day after the robbery, was called for the prosecution. After the oath had been administered to him by the erier, he refused to kiss the book. He stated that he was willing to swear that he would tell the truth, and nothing but the truth, but objected to state the whole truth; the watch having come into his possession in the course of his exercise of the duties of the Confessional. The learned Judge stated that the law protected Mr. Kelly from criminating himself in any way, and that he would see him protected, but that the law would not protect a clergyman of any persuasion who chose to receive property, the produce of a felony, immediately after the offence had been committed, from disclosing from whom such property had been received. The rev. gentleman still objected to take the oath, whereupon Mr. Justice Hill, after warning him as to the consequences, requested the erier to repeat the form of the oath. This was done, and the rev. gentleman kissed the book. The rev. gentleman then deposed that, the day after the robbery, he received the watch in question. On being asked from whom he received it, he declined to answer, stating that by so doing he would be disclosing information received in the Confessional. He was again warned by the learned Judge, but persisted in this course, whereupon his lordship committed him to prison for contempt of Court. The prisoner was found guilty, and sentenced to six months' imprisonment."

III. *That such Priests if appointed, are not the servants, like any other Chaplain or Official, of the local Magistrates, but of their own Bishop.*

1.—Extract from a speech delivered at a Protestant meeting in Liverpool, by the Rev. R. Pope, on 29th October, 1835:—

“In Ireland the papal ecclesiastics have lately attempted to raise themselves above the civil power. The case I allude to is this:—The Rev. Mr. Prendergast, in consequence of the state of disorder to which the gaol of the county of Waterford was reduced, was dismissed from his chaplaincy to the gaol by the grand jury of the county; and the priest of the parish in which the gaol is situated appointed in his room. This exercise of legitimate authority on the part of the grand jury, gave umbrage to Dr. Abraham, the titular bishop of the diocese. That prelate accordingly addressed a letter to the foreman of the county grand jury, on which there were several members of the Church of Rome, highly respectable gentlemen; and which letter I shall now with your permission read. (Cheers.)

Clonmel, July 28, 1835.

SIR,—I never was more astonished than on receiving a document, purporting to be a decree of the county of Waterford, passed at the late assizes—a decree as slovenly in its verbiage as it was arrogant in its conception. This conduct might well become the mild meridian of Elizabeth's reign, but certainly ill accords with the vaunted liberality of modern jurists. What! a box of laymen to usurp the patronage of a Catholic bishop! I can scarcely believe it. But, to guard against the possibility of any infringement on my rights, I now tell you, as foreman of that said grand jury, that no other priest but the Rev. Mr. Prendergast shall dare officiate as chaplain of the County Gaol, and this you may publish from the highest to the lowest places. What right had the grand jury to dispose of my subjects in the fulness of their wisdom, and this without any appeal to the proper authority? The world shall see by the result of this very affair, not only the usurping propensity of that said jury, but also its impotence in ecclesiastical affairs. I mean nothing *personal* in this address, but really I can with difficulty restrain my feelings on this subject, and in such times as these.

I am, Sir,

Your obedient servant,

W. ABRAHAM.

“This letter you will doubtless say was worthy, from the mild spirit which it breathes, of proceeding from the pen of an episcopal dignitary!

“A circumstance of a like character occurred some years since in the City of Dublin. The grand jury in Easter Term, 1814, appointed the Rev. Mr. Duffy, a Roman Catholic Priest, of unimpeached character, and who had for some time previously attended gratuitously, to be chaplain of Newgate. When Dr. Troy, the Roman Catholic Bishop, heard of this, he appointed another in Mr. Duffy's place. The grand jury deemed it proper to appeal to the Court of King's Bench against this proceeding of the Bishop, when their appointment was confirmed. Having, however, been threatened with excommunication if he presumed to act in his situation, Mr. Duffy did not do so, although there was no other impediment to prevent him. The consequence was, that in 1815 the grand jury again complained to the court, and the result was, that in consequence of Mr. Duffy's non-performance of his duties, he was dismissed by the city grand jury. (Hear.) What does

Dens say on the subjection of ecclesiastics to the laws of their country? In 2nd volume, p. 290, we read as follows:—

“ ‘There are two points to be considered in every law; one, that the law is a rule of morals, that it points out, directs, and obliges, and these things relate to the directive force of the law; another, that the law imposes or inflicts punishments, and so far terrifies and compels, which regards the coactive force of the law.’

“ In p. 292 Dens continues:—

“ ‘Are clerks subject to human laws?’

“ (Rather a strange question, one should suppose.)

“ ‘1 Reply.—It is beyond controversy that clerks are subject to ecclesiastical laws which concern themselves, as well with regard to their coactive as to their directive power.’

“ Therefore, it is here particularly inquired, whether, and how far, they are subject to civil laws?

“ ‘2. Clerks are bound by the civil laws, which are not opposed to the clerical state or to ecclesiastical immunity, as to their directive power.

“ ‘3. But if the civil laws are opposed to the immunity of clerks, or if they relate to a matter in which clerks are exempt from secular power, *clerks are bound by such laws neither as to their directive nor coactive force.* The reason is, that clerks in such matters are in nowise subject to the secular power; thus, a clerk is not bound to keep watches, to military services, &c., &c.’ ”—*Romanism as it rules in Ireland.* Seeley, London, 1840. Pp. 579—81.

IV. *That the general tendency of the teaching of the Church of Rome is not to lessen crime, but to increase it.*

1.—Extract from *Auricular Confession*, by the Rev. Daniel Ace, of Cambridge. Westerton. London, 1862.

“ IS AURICULAR CONFESSION, IN ITS PRACTICE, SUBVERSIVE OF THE INTERESTS OF LIBERTY, MORALITY, AND RELIGION?

“ I answer in the affirmative.

“ 1. Because it transfers the liberties of the people entirely to the supremacy and despotism of the priesthood.

“ 2. Because it familiarises the mind with the foulest corruptions of human nature, and weakens the moral tone by pointing out an easy, yet fallacious, mode of silencing the clamours of a guilty conscience.

“ 3. Because it reduces devotion to a mechanical process, or an empty routine of performances, as prescribed by man, instead of cultivating the conscience and purifying the soul by internal acts of devotion, influenced by the Spirit of God.

“ Bishop Hopkins of Vermont, in America, writes:—‘In the system of the Roman Church, the confessional is the right hand of strength. It is in their confessional that the priesthood wield their vast and secret power over the people. It is by the confessional that they rivet the chains of superstition upon the conscience and the soul. The total abolition of this fearful despotism was one of the great blessings of the Reformation.’ Every true believer should desire to understand the value of his privileges as a follower of the true doctrine of the Apostles, and to stand fast in the liberty wherewith Christ has made him free.

“ A celibate corporation, strangers to the sympathies and interests of domestic life, united in the most sacred bonds to maintain and enforce

supremacy over the minds of men, wherever found, cannot find more effectual means to accomplish their desire for universal dominion, than by an intimate acquaintance with the secret feelings of unsuspecting innocence or stricken guilt, and a full private revelation of the transactions, desires, and feelings of every household. Such a serious invasion of the sacredness of social life abundantly manifests that the system of auricular confession is to be resisted, and naturally excites the direst opposition of every upright domestic head who is unwilling to transfer his liberty and interests to the See of Rome. Britain is not the soil in which such practices can be tolerated. And we have only to look at the countries of Italy, Spain, and even sister Ireland, to discover the degrading and enfeebling effects of that system which, at the confessional, enthral the conscience, and barter the liberties of the people, by extending to them the delusive charm of relief from personal responsibility.

"Now, we observe, *on the demoralising tendency of auricular confession*, as enjoined and practised by the Church of Rome, that the full and entire disclosure of all sins to the priest, insisted on, cannot but prove a source of immense evil to the individuals confessing, by the reaction of the details of sins committed on their imagination and passions. Such disclosures cannot fail to have a demoralising influence on the priests themselves, who are men of like passions with those to whose details of sinful indulgences they listen. It is still an evil of a more serious nature to attempt to tranquillise the defiled, guilty consciences of the persons confessing by the external rites and observances of the pretended sacrament of penance, instead of directing them to the atoning blood of the Saviour, which cleanseth from all sin. It is more in accordance with human nature to make compensation by occasional bodily privations (and thus weaken the moral tone), than actually to crucify the flesh, with its affections and lusts.

"In the *Garden of the Soul*, a course of self-examination previous to confession is prescribed, to which I cannot allude without disgust. Nothing, I verily believe, more loathsome or polluting could be found in the journal of a brothel. The Catechism of Trent requires that not only deeds and words, but even thoughts be recollected and confessed.—*Con. Trid.*, Sess. xiv. c. 9.

"It is essential to the interests of morality that all fathers, mothers, husbands, and wives, should know of the nature of the questions asked in the confessional."

"I will not pollute these pages with even the Latin text of any of those disgusting questions which are to be put to females, if the confessor pleases, at the confessional. Not every one can read the pages of Dens, De Liguori, or Bailly and Cabassutius; but nothing more sickening or sensual can be conceived. And it might well be asked, What have celibate theologians to do with these matters?"

"Now, on the contrary, clergymen are 'to frame themselves and their families according to the doctrine of Christ,' wholesome examples and patterns to His flock. They are to instruct the people in the knowledge of Divine things; to lead the sinner to consideration, repentance, and amendment of life; pointing him to the Saviour for pardon and peace, and to the Holy Ghost for increase of grace and purity of heart. Ever to abstain from that shame which results from speaking of those things which are done of the ungodly in secret, Ephesians, v. 12.

"They are to convince men that religion consists in binding the soul to God by acts of devotion, self-denial, and self-dedication; to show them the possibility of having a form of godliness without the power of Divine grace; that it is not by any performances, except those of Divine appointment and proved efficacy, that we are to work out our own salvation. The mere recital of sins will not suffice; yet there must be the entire abandonment of

evil practices, and a waiting upon God in His own ordinances, as the delight of the soul and the means of preparation for another state of existence."

2.—*Statistics of Roman Catholic prisoners in the prisons of Great Britain and Ireland*, as brought out in a Parliamentary Return laid before the House of Commons as to the number of prisoners in the prisons of Great Britain and Ireland on 1st January, 1862. From this Report—

"It appears that, in the 12 convict prisons in England, no fewer than 1,426 convicts at the above date were Roman Catholics. That is to say, 18·6 per cent., or nearly *one-fifth* of all the convicts in the English convict prisons were made up of Romanists—a vast proportion, considering their total number in Britain. If we turn to the county and borough gaols of England, we find that of 129 of those prisons, 100 are filled less or more with Romanists. The total number of Popish prisoners in such gaols, as exhibited by the return, is 2,783, or 17·9 per cent. of the whole prisoners; that is to say, nearly *one-fifth* of the prisoners in all the gaols of England are Romanists. Turn to Scotland, and the striking fact comes out, that in the prisons there this proportion is even greater. The total number of Romanists in prison in Scotland is 533, or 23·4 per cent. of the whole prisoners, or nearly *one-fourth*. These numbers are out of all proportion to the Romish population of England and Scotland. We cannot tell, from the peculiar way in which the census is taken in these countries, the precise number of Romanists. But they do not form one-tenth of the population. Popery has always begotten and cherished crime; and if a return were made in regard to workhouses, the same result would be found in regard to beggary. This fact in regard to crime comes out very clearly also by examining the number of prisoners in the prisons of Ireland. It will be observed that, at 1st January last, 2,433 Papists were in prison in that country, while there were only 455 of all other religious denominations, and of no denomination; that is to say, the Romish Church produces of criminals to the county and borough gaols of Ireland, exclusive of the convict gaols in that country, 84·3 per cent. of the whole prisoners, or more than four-fifths, while the Popish population is not more than $3\frac{1}{2}$ to 1 Protestant. Notwithstanding this immense array of 2,433 Popish prisoners in Ireland, in a population of about four and a half millions, there are 4,742 Popish prisoners in England and Scotland, or nearly *twice* the number that are in Ireland."—*Bulwark*, vol. xii., p. 1—4.

N.B.—This return demonstrates also—

"That complete liberty is given to prisoners to receive instruction from their priests, should they desire it; and even in certain prisons liberty is given to the Popish priest to attend the prison on certain fixed days, whether prisoners desire him or not. For example, in Millbank (convict) prison, it is stated that 'a Roman Catholic priest attends every Wednesday and Sunday throughout the year.' Again, in Chester County Gaol, it is stated, 'Roman Catholics are visited once a week by the priest.' Again, under Knutsford House of Correction, it is stated, 'Whenever the priest visits the gaol, all Roman Catholic prisoners who wish to see him can do so; and if a Roman Catholic prisoner is ill, he can see the priest daily, if it is his wish. The priest is always written to in case of sickness.' Again, under Newgate Gaol, it is stated, 'Roman Catholics, or others objecting upon religious grounds, are excused from attending the chapel service.' But it is quite superfluous to quote these examples. The fact is undoubted, that the general rule in all our prisons is this, that should a Roman Catholic prisoner desire the visitation of a priest, a priest is at once sent for.

"The present return demonstrates, however, that Roman Catholic prisoners often do not want the visitation of a priest. Before proving this statement, let us premise that we find indications, at certain places, of Popish priests being exceedingly active in making visitations, whether they are sent for or not,—as at Fulham Refuge (convict), where, in the course of a single week, as many as 49 prisoners have been visited by a Popish priest, and at Brixton (convict) prison, as many as 123. This proves that it is not the fault of the priests if prisoners are not visited. But let us look at the other side. In these convict prisons, out of 73 Roman Catholics at Pentonville, only 12 requested the attendance of a priest during the three months of October, November, and December. Even in Brixton, during the same period, only 123 out of 245 requested visitation, although there seems to be here a Popish priest regularly officiating. At Parkhurst prison it would appear that not one of the 27 prisoners requested the visitation of a priest. And in regard to Dartmoor prison, where the large number of 181 Romish convicts are confined, there is this very instructive note:—'The Roman Catholic prisoners have been attended once a month by a priest, who arrives on Saturday, and sees such men (*usually about sixty*) as have entered their names for the purpose, and remains to perform Divine service twice to the whole on Sunday.' At Wakefield, out of 124 prisoners, only *thirty-nine*, during three months, requested the visitation of a priest. Let us now take some of the county and borough gaols. In Durham there were 63 Popish prisoners, and not one of them seems to have requested the visitation of a priest. Take Preston House of Correction, and only 15 out of 77 have made any such request in three months. Take the borough gaol of Liverpool, where there were 485 Popish prisoners, and notwithstanding the general attendance of a Popish priest twice a week, only 36 prisoners, in three months, made a request for any visitation. Again, in Manchester gaol, where there are 207 Roman Catholic prisoners, only 3 requested such a visitation during three months. Again, in the City of London prison, Holloway, where there were 67 Roman Catholic prisoners, not a single one made any such request. In Portsmouth borough gaol, with 15 Popish prisoners, none have made any such request, although the priests there seem to be most active, as evinced by the fact that all the prisoners in the convict prison at Portsmouth have been visited. These facts abundantly demonstrate that Popish prisoners enjoy perfect liberty for obtaining the visitation of their priests, should they request it. The same liberty is given in the prisons of Scotland. Take, for example, the prison of Glasgow. Out of 173 Popish prisoners there, only 3 made request for the visit of a priest in three months. In Perth General Prison, where the Popish priest gives regular attendance, only 25 made any such request in three months, out of 156 Popish prisoners. In Edinburgh prison, out of 57 Popish prisoners, not one requested such a visitation."—*Bulwark*, vol. xii. pp. 1—4.

It was very justly remarked by one of the magistrates of Middlesex, at a late meeting of the Court of Quarter Sessions, in opposing a demand to appoint Romish chaplains to the prisons under their charge:—

"It was not a question of liberality or illiberality, but a question of duty.* The magistrates, as guardians and administrators of the public

* The proposal before the court was to pay the Roman Catholic Priests, who have regular access to the prisoners of that denomination, a salary out of the county rates, which was rejected by a majority of 67 to 30.

taxes—taxes which the people paid with so much difficulty—were not justified in applying them to any sectarian purposes whatever. He should treat every sect the same; but he should be obliged to repeat the words Roman Catholics, because the discussion related to them. The Roman Catholics were about one-twelfth of the population; but instead of contributing 1 in 12 to our prisoners, they contributed 3, 4, or even 5 in 12. The first grievance, therefore, the taxpayers had, was that they were obliged to maintain threefold or fourfold more Roman Catholic prisoners than their relative numbers bore to the rest of the population; and, secondly, if they were to pay the priest as now proposed, they would in effect allow a small minority of one-twelfth of the population to tax the remaining eleven-twelfths to maintain their own sectarian views. Dissenters, such as the Independents, were three times as numerous as the Roman Catholics, and they did not ask to have their ministers paid, because they kept their population out of prison. The Wesleyans were two or three times as many as the Roman Catholics, yet they did not ask to be paid, as in our prisons there were only 10 Wesleyans to 100 Roman Catholics. Seeing, then, that the Roman Catholics contributed an inordinate number of prisoners, and almost boasted of it; if they paid them as proposed, would they not be making a profit out of their crime? To account for the excessive number of Roman Catholic prisoners in our gaols it was said, ‘Our population is poorer and uneducated;’ but this was only a step back in the argument. Why should they pay out of the public taxes towards a system which kept its people poorer, more uneducated, and more criminal than any other class of the population. Upon the ground, therefore, of the magistrates being the guardians of the public taxes, and the impropriety of applying any portion of them for sectarian purposes, he hoped a great portion of the minority would come over to the majority, so as to settle this question by such numbers that it would not be renewed.”—Mr. C. Hill, at meeting of Middlesex Magistrates, Jan. 21, 1869.—*Morning Advertiser*.

- 3.—The *Statistics of Crime in Protestant and Romish Countries*, as given by the Rev. M. Hobart Seymour, in his “*Evenings with Romanists*.” Seeleys, London, 1854.

ILLEGITIMATE BIRTHS.

Place.	Year.	No. of births in the year.	No. of legitimate births.	No. of illegitimate births.	Proportion of illegitimate.
London.....	1851	78,300	75,097	3,203	Four per cent.
Paris.....	1850	29,628	19,921	9,707	Thirty-three per cent., or one-third.
Brussels....	1850	5,281	3,448	1,833	Thirty-five per cent., or more than one-third.
Munich.....	1851	3,464	1,762	1,702	Forty-eight per cent., or nearly one-half.
Vienna ...	1841	16,632	8,941	7,741	Nearly one-half.
...	1849	19,241	8,881	10,360	Upwards of one-half.
Rome.....	...	4,373	No. of Foundlings exposed in one year, 3160.		Proportion of Foundlings to births, 73 per cent., or near three-fourths.

MURDERS.

Place.	Population.	Average No. of murders in the year.	Period for which the average was struck.	Proportion to each million of pop-ulation.
England and Wales	By census 1851, 17,927,609	72	The 10 years ending 1851	4
Ireland, before the famine....		235	From July, 1836, till April, 1839.	33
Ireland, since the famine....	By census 1851, 6,515,794	130	For 7 years ending 1851	19
Belgium	4,337,673 (Census 1846.)	84	A period of 10 years.	18
France.....	35,400,486 (Census 1846.)	1089	Eleven years, viz., the 10 years ending 1833, and the year 1851.	31
Austria	36,514,466	1325	Twenty years.	36
Bavaria.....	4,520,751 (Census 1849.)	311	Five years.	68
Sardinia	4,916,084	101	Seven years before the late Revolution.	20
Lombardy	5,047,472	225	Two years.	45
Tuscany	1,489,000 (Census 1841.)	84	Nine years.	56
Sicily	1,936,033 (Census 1834.)	174	Several years.	90
Naples	6,066,900	1045	One year, 1832.	174
Papal States ...	2,908,115 (Census 1846.)	339	One year.	113

G. R. B.

*Clarence Chambers,
Haymarket, S. W., Feb. 1869.*

* * Copies of this Paper, and additional information on Protestant subjects, may be had on application at the Office of the London Organization of the Scottish Reformation Society as above.

APPENDIX.

The following extracts from a work in the press, but not yet published, afford additional confirmation of the foregoing :—

“COLLISIONS BETWEEN THE OPERATIONS OF THE CONFESSIONAL AND CIVIL LAW.

“The principles of civil law, with respect to the concealment of crime, whether intended or already perpetrated, and more especially with respect to the concealment and reception of property fraudulently acquired, are clear and manifest. The practice of the Confessional, by making the priest cognisant both of intended and perpetrated crime, involves him in at least four very distinct violations of common law, specified in several statutes bearing on the accessories of crime.

“1st. When the priest is made the confidant of an intended crime, which the seal of the Confessional forbids him to disclose, he becomes an ‘accessory before the fact.’

“2nd. When the priest is made the confidant of a perpetrated crime, with the like provision of concealment, he becomes an ‘accessory after the fact.’

3rd. When the priest becomes the recipient of stolen property, under the pretext of becoming the channel of restitution to the party defrauded, he distinctly becomes, in the view of the law, *particeps criminis*—a participator in the robbery.

4th. When the priest, having become acquainted either with intended or perpetrated crime, or becomes possessed of stolen property for the avowed purpose of restitution, refuses to give evidence in civil courts, under the pretext of the seal of secrecy required by the rule of the Confessional.

“An illustrative reference to the *first* of these cases is supplied by the Rev. L. J. Nolan, in the well-known pamphlet published by this converted priest in 1838, and in which he says—

“‘During the last three years I discharged the duty of a Romish clergyman, my heart often shuddered at the idea of entering the Confessional. The thought of the many crimes I had to hear, the growing doubt upon my mind that Confession was an erroneous doctrine, that it tended more to harden than reclaim the heart, and that through it I should be rendered instrumental in ministering destruction to souls, were awful considerations to me in the hours of reflection. The recital of the murderous acts I had often heard through the iniquitous tribunal had cost me many a restless night, and is still fixed with horror in my memory. But the most awful of all considerations is this, that through the Confessional I had been frequently apprised of *intended assassinations*, and *most diabolical conspiracies*; and still, from the ungodly injunctions of secrecy in the Romish creed, lest, as Peter Dens says, “the Confessional should become odious,” I dared not give the slightest intimation to the marked-out victims of slaughter.

But though my heart now trembles at the recollection of the murderous acts, still duty obliges me to proceed and enumerate one or two instances of the cases alluded to.'

"He then goes on to mention the instances, and in so doing he supplies an explanation, much needed, in connection with the confession of *intended sins*. Romish theology would lead us to believe that the Confessional is only allowed to take cognisance of sins incurred by their commission, but the teaching of history in reference to such transactions as the Gunpowder Plot, and these cases enumerated by Mr. Nolan, make it evident that the priest not only hears and pardons perpetrated, but premeditated crimes. Mr. Nolan explains the confession of intended sins on a principle which does not at all supply a satisfactory motive. He says, in reference to one of the cases he enumerates—

"'The penitent's only reason for having disclosed the awful machination to his confessor seems to have originated from a hope that his wicked design would be *hallowed by his previous acknowledgment of it to his priest.*'

"Doubtless Mr. Nolan himself was never personally concerned in the wicked act of professing to pardon future sin, but the explanation he offers does not by any means remove the impression that criminals have both confessed and received absolution for intended as well as accomplished crime.

"*Secondly*, The priest, by concealing and pardoning perpetrated crime, becomes an accessory after the fact. Nothing is more calculated to frustrate the ends of human justice than an accomplice in the secrecy of crime, who can not only give such counsel as may enable the culprit to evade the law, as in the late Glasgow case, associating the illegal Confessional procedure of Priest McLaughlan, (further noticed below,) but who can actually pardon the crime *before human justice is satisfied*, and thus divert the power of civil justice from its salutary effects in relation to social morality. The testimony of the Rev. J. Burnett, (*Evidence before the Lords' Committee*, p. 240,) shows the effect of Confessional absolution upon the minds of Irish convicted criminals, in these words—

"'The confidence of the people in their absolution which follows confession is such as completely to destroy in their minds any fear of future punishment. I have found this to be the case generally; and in cases where *they are convicted in Courts of Justice* they very seldom show anything like a feeling sense of their situation, which, I conceive, arises solely from a conviction that the absolution enjoyed at the hands of the priest will do everything for them. I have seen myself thirty-five individuals in the dock together sentenced to death, and I could not perceive the least degree of emotion in consequence of the pronouncing of the sentence, all of which I attributed to the confidence placed in the absolution of the clergy.'

"The *third* case in which, in the eye of the law, the priest becomes an accessory or participator in crime, results from the doctrine or discipline of the Papacy in reference to the restitution or restoration of property. According to this doctrine or discipline, no fraudulent Penitent is bound to return stolen property to the party defrauded. The Church constitutes the priest the canonical receiver of stolen goods, and commissions *him* to make the restitution—a case illustrated some time ago in the trial at Durham, in which William Kay was indicted for the highway robbery of a watch, the Rev. John Kelly having received the same in the Confessional, and made himself the medium of restitution.

"'In the course of the case (says the *Times*' report) the Rev. John Kelly, a Roman Catholic priest, who gave a watch, part of the stolen property, to a

policeman the day after the robbery, was called for the prosecution. After the oath had been administered to him by the crier, he refused to kiss the book. He stated that he was willing to swear that he would tell the truth, and nothing but the truth, but objected to state the whole truth, the watch having come into his possession in the course of his exercise of the duties of the Confessional. The learned judge (Justice Hill) stated, that the law protected Mr. Kelly from criminalizing himself in any way, and that he would see him protected; but that the law would not protect a clergyman of any persuasion who chose to receive property, the produce of a felony, immediately after the offence had been committed, from disclosing from whom such property had been received.'—*Times*, Wednesday, March 7, 1860.

"The priest on this occasion was committed for refusing to give evidence; but the court, in this and similar cases, is wont to overlook the priestly violation of the law by becoming a self-constituted receiver of stolen goods. This violation is, of course, indulged on the principle that the priest receives the stolen property with the view to restore it to the rightful owner. An honest priest will certainly perform this part; but the law receives no security whatever for the priest's honesty; and the secrecy connected with the Confessional enables any dishonest priest to retain, instead of restoring property committed to his care for restitution. That the Confessional is made the medium of this kind of robbery, is divulged to us by the testimony of Romish priests themselves. In Liguori's *Praxis of the Confessional*, we have this singular admonition on stealing to pay masses:—

"It is wonderful, indeed, that there are so many confessors so ignorant, who, although they know who the creditor is, enjoin upon the penitent, *that of the stolen goods which they ought to restore, they bestow alms or have masses said.*"—Liguor. *Prax. Con.*, No. 44.

"Thus we have, on the testimony of a master in Romish theology, that 'many confessors,' instead of causing their fraudulent penitents to make restitution, coolly appropriate the stolen property to their own use, under the pretext of receiving it either for alms or masses. Liguori naively enough attributes this abuse to *ignorance*; but if a priest is so ignorant as not to know that he here commits a most aggravated breach of the eighth commandment, by robbery for the alleged service of God, as well as a felony against the civil law, how is such an official qualified to discharge the duty of a censor of morals?

"It is easy to see that the legal permission of an institution for the reception of stolen goods, in which the receiver is made no way responsible to the civil power, is one which must be employed to subvert the ends of civil justice, and make the subjects of the state liable to serious defalcations, through the facilities and opportunities which are thus afforded to the cupidity of an unprincipled priesthood.

"The *fourth* case, or the Confessional discipline which requires the priest to brave the civil law, by refusing to give legal testimony, on the plea of the Confessional obligation called 'the Seal,' is not only an infringement of legitimate and necessary civil authority, but one fraught with numerous evil consequences to social morality. The case of priest M'Laughlan, of Eastmuir, near Glasgow, is in the memory of most people as one which gave rise to a series of trials, in which the priest refused to give the necessary evidence for the conviction of Terence M'Ghee. In one of the early trials—11th December, 1862—Mr. M'Laughlan was sentenced by a Justice of Peace to a period of imprisonment for refusing to give evidence; and in the last trial in the High Court of Justiciary—Saturday, 10th January, 1863—the priest succeeded in shortening his sentence to the fourteen days of his imprisonment which had then expired.

"The whole case was so important, as revealing the lawless attitude of

the Papacy, that it created a large amount of newspaper comment and correspondence, of which a few extracts are subjoined, to explain the origin and bearings of the case:—

“‘The pretension, on the part of the Romish priesthood, to override or ignore the ordinary provisions of civil law, is still found continuing, reappearing with identically the same character, though in a modified form. We have frequently had occasion to call attention to *its bearing on legal proceedings and civil rights in our own country.*”

“The proceedings in the Glasgow Justice of Peace Court on Thursday formed so characteristic an illustration of the priestly theory of exemption from ordinary civil responsibilities, that they ought not to be allowed to pass uncommented on. Then and there a Roman Catholic priest was committed to prison for the term of one month for contempt of Court, in consequence of his having refused to give the necessary evidence respecting the consignment of a letter to the prisoner whose case was under consideration. . . .

“‘It must be presumed that Mr. M’Laughlan, in refusing to give his evidence, acted from a strict and conscientious sense of duty; but the result of his refusal was simply to *defeat the execution of the laws of the land.* It had the effect, as the priest was told in the court, of erecting himself into a species of sanctuary to which criminals might turn their steps, in the belief that they might safely divulge the crimes they had committed, and *get his assistance in aiding them either to conceal the crime or to evade the penalty.*’—From the *Morning Post*, as quoted in *Is a R. C. Clergyman superior to the Civil Magistrate?* Glasgow, 1863.

“The principle which the law of England embodies is, that a public duty must override a private one; and that as every man must be held to know the law, the confession must be regarded as having been given and received, *subject to the higher obligation to reveal it at the bidding of the proper authority.*”—From the *Spectator* in *Ibid.*

“This excerpt furnishes the principle which should be distinctly enunciated in regard to Confessional practice. Were priests bound to make known to their penitents that, however they might rely on the seal of the Confessional, if the communications there made involve civil or criminal interests requiring the cognisance of the magistrate, they must be revealed, a large amount of the crime now committed would be avoided.

“‘Though the law of this country in principle does not recognise the confidence subsisting between ministers of religion and criminal members of their flocks, yet in practice a great amount of toleration has been shown, and will be shown, to the secrecy of the confessions made to clergymen, whether in the Romish Confessional or the Protestant Vestry. But it is only as spiritual intermediaries, or, as they themselves term it, as ghostly advisers, that such a privilege can be extended to clergymen. Our spiritual confessor, on learning a criminal secret, must not pull on his top-coat and go bustling about on *terra-firma* to *conceal the traces of the crime, or put the officers of justice on a wrong scent, and so screen the offender.* This is a kind of ghost which it would be extremely dangerous to harbour on the soil. It does not appear to be sufficiently understood that *it is in having substantially acted thus that the gravamen of the charge against Father M’Laughlan consists.*’—*Morning Journal*, in *Ibid.*

